

Q. Were you aware that Mr. Kenner got a credit line against some securities or investments you had?

A [Berard]: Yes.

Q. And later on were you aware that Mr. Kenner starting lending this money to another principal in the Cabo project named Ken Jowdy?

A [Berard]: Yes.

Q. Were you aware that he had disclosed to you that he was going to lend this money at a rate of interest to benefit the investors?

A [Berard]: Yes.

Q: And later on were you aware that Mr. Kenner started lending this money to another principle in the Cabo project names Ken Jowdy?

A [Berard]: Yes.

Q: Where did you think the money that Mr. Jowdy – were you told where the money that was given Mr. Jowdy as far as the Mexican project? Was there anything you were told about that?

A [Berard]: Basically just loan him the money for the project.

In 2010 -- when FBI agent Galioto was threatening investors to back off Jowdy and needed to separate themselves from Kenner – Berard sent Kenner the following text about FBI agent Galioto's lack of knowledge regarding the Jowdy thefts:

131 44	+14015246 929 Bryan Berard*	4/28/2010 8:54:28 PM(UTC+0)	R e a d	Tell agent [Galioto] to shut the fuck up. Doesn't have a clue.
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And when working with Giuliani's investigation group in 2010 – Berard told Kenner:

137 08	+1401524 6929	6/5/2010 9:29:08	R e	That's fosure. Hopefully this is light at end of tunnell.. Just makes me nervous wth Tommy.
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	Bryan Berard*	PM(UTC+0)	a d	Hopefully he [Constantine] just takes what they give him quietly and not end up wth another Jowdy
137 11	+1401524 6929 Bryan Berard*	6/5/2010 9:43:24 PM(UTC+0)	R e a d	I agree. I don't give a fuck abt him [Constantine]. Just don't want him to fuck this up like Jowdy.

And as a result of the joint efforts with Kenner – now two (2) full years after Berard spoke with the FBI the first time in Russia (with the missing 302(b) notes) – Berard sent Kenner the following texts about Kenner's Hawai'i-Mexico investors:

169 49	+1401524 6929 Bryan Berard*	10/7/2010 11:00:25 PM(UTC+0)	R e a d	I wanna just get these guys there \$ back and let's go do stuff wth small group
169 50	+1401524 6929 Bryan Berard*	10/7/2010 11:03:41 PM(UTC+0)	R e a d	Honestly. Fuck the rest.
169 51	+1401524 6929 Bryan Berard*	10/7/2010 11:29:07 PM(UTC+0)	R e a d	Same wth mexico too. Uve put up wth enough bullshit over the years. Try get them there \$ back and wash ur hands wth all these retardz.
169 52	+1401524 6929 Bryan Berard*	10/7/2010 11:29:18 PM(UTC+0)	R e a d	And I mean all of them

Kenner replied to Berard:

199 59	+14015246 929 Bryan Berard*	10/7/2011 11:39:45 PM(UTC+0)	S e n t	[Kenner]: I'm going to let you make all of those decisions in the future!
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Berard finished his replies to Kenner:

169 53	+1401524 6929 Bryan	10/7/2010 11:40:16 PM(UTC+0)	R e a	NO THANKS. Ha
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	Berard*		d	
169 54	+1401524 6929 Bryan Berard*	10/7/2010 11:40:43 PM(UTC+0)	R e a d	If I did probably end up being just 5 of us
169 55	+1401524 6929 Bryan Berard*	10/7/2010 11:40:48 PM(UTC+0)	R e a d	Maybe 4. Ha
169 56	+1401524 6929 Bryan Berard*	10/7/2010 11:55:51 PM(UTC+0)	R e a d	hopefully this is the sign of the beginning of the end. 6 more months done all this shit
169 57	+1401524 6929 Bryan Berard*	10/7/2010 11:56:06 PM(UTC+0)	R e a d	Hopefully can go after Leaman Borthers soon too

The Berard 2008-09 FBI proffer will confirm EXACTLY what Berard knew before his CTE symptoms began confabulating his memories with his recently acquired “excuses” for his lifestyle degradations (and complimented by his Jowdy employment status).

In fact, considering Berard and Kaiser were allegedly “suspicious of Kenner” as early as 2008 (according to the Berard-FBI contacts and podcast recollections), it is unexplainable that they continued to pursue business dealings with Kenner for years (until their employment under Jowdy in 2012). On the same day as Berard espousing to Kenner to “**wash ur hands of all these retards**” (referring to Kenner’s dozens of clients), Kenner confirmed submitting a multi-million dollar purchase offer with Kaiser and Berard (and Kenner funding the entire operation, again):

Berard asked Kenner about the land development offer in Utah:

1 6 9 3 6	+14015 246929 Bryan Berard*	10/7/2010 6:20:32 PM(UTC +0)	R e a d	[Berard]: Anything cooking in Mormon country??
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Kenner replied, referring to Kaiser as "JK":

1	+14015	10/7/2010	S	[Kenner]: Utah backup offer should go in today. Jk has to
9	246929	6:23:54	e	
9	Bryan	PM(UTC	n	
3	Berard*	+0)	t	

Conclusions:

The recent revelations of the Berard **CTE** degeneration, impulse anger⁵ towards Kenner consisting of criminal threats of bodily harm⁶, require Court intervention for the threats and investigations into the now-clear *Brady* violation of the Berard 2008-09 interview, with critical *mens rea* timing – considering his conflicting stories and **CTE** confessions.

A hearing is requested by Kenner to determine if the previous December 11, 2018 request for **CTE** discovery should be considered due to its "new evidence" and critical nature (if not inadvertently overlooked the first time).

Respectfully submitted,
Phil Kenner (ProSe)

Berard confirms he and Kaiser are raising money for another Mexico deal with Kenner in 2011 – years after he allegedly told the FBI he no longer trusted Kenner (Kenner reply in YELLOW)...

1	+14015	3/4/2011	R	I have NO idea. I asked Johnny if he was gonna do the
0	246929	3:08:05	e	build there. He said NO. Only if we weree the ones
2	Bryan	PM(UTC+0)	a	that raised the \$
9	Berard*		d	
4				

1	+14015	3/4/2011	S	That's a fucked up deal by dave's Mormon friend. That
4	246929	3:09:18	e	tells me that the guy is a fucking bad guy. Remember
2	Bryan	PM(UTC+0)	n	that we are getting rid of that kind of guy!!!!
6	Berard*		t	
4				

1	+14015	3/4/2011	R	I don't trust mormons. Sand niggers or Greeks
0	246929	3:11:49	e	
2	Bryan	PM(UTC+0)	n	
9	Berard*		t	
6				

⁵ As noted, *supra*, a symptom of **CTE**.

⁶ These threats extend the documented previous threats of physical harm by Berard as noted in Kenner's *Rule 41(g)* submission ([ECF No. 670 at 7-8](#)). Please note the government denied returning the requested videos of Berard's rants about killing Kenner for going after Jowdy in Mexico to recover the documented Jowdy loan funds ([government-forfeiture-44](#)) -- and the criminal actions documented in [ECF No. 667](#) ("The Jowdy Hoax").